

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Insight Technology, Incorporated

v.

Civil No. 04-74-JD

Surefire, LLC

O R D E R

The defendant has filed an emergency motion to continue trial which is currently scheduled for the two-week period beginning January 23, 2007, in order to permit the parties to conduct mediation as required by the court by order dated February 28, 2006. The defendant asserts that not only would a continuance allow the mediation to run its course, but also both parties might avoid substantial pretrial expenses that could otherwise be directed towards resolving this case by mediation. Counsel for the plaintiff has informed the deputy clerk that the plaintiff objects to the request.

The court finds that the request for a continuance is reasonable under the circumstances. Pretrial statements are due today, Local Rule 16.2(d) compliance is due on January 3, 2007, and the final pretrial conference is scheduled for January 10, 2007. The defendant also has a pending motion for leave to file a motion for summary judgment to which the plaintiff has objected. This matter remains to be resolved by the court.

Mediation is currently scheduled for January 4 and 5, 2007, in Manchester, New Hampshire. At this point in time, the parties should focus their efforts on engaging in a meaningful mediation. A continuance will allow the parties sufficient time to do this and may well conserve their resources which otherwise would be expended on trial preparation.

The motion to continue is granted. Trial is rescheduled for the two-week period beginning March 20, 2007. Final pretrial statements shall be filed on February 21, 2007. The final pretrial conference shall be scheduled for March 13, 2007.

SO ORDERED.

  
Joseph A. DiClerico, Jr.  
United States District Judge

December 20, 2006

cc: Thomas A. Brown, Esquire  
Laura L. Carroll, Esquire  
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Jonathan Hangartner, Esquire  
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